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TRAFFIC IN LIVINGS.

BY THE

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AND PREBENDARY OF LICHFIELD.

*"OH! THAT ESTATES, DEGREES, AND OFFICES
WERE NOT DERIVED CORRUPTLY!"*

Merchant of Venice.

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TRAFFIC IN LIVINGS.

From the history of recent efforts to improve Church Patronage, we may learn, I think, the use of two widely different and often antagonistic institutions, Convocation and Dissent. Complaints of the abuses connected with it had long been heard; but it was the action of the Convocation of Canterbury in appointing Committees to consider Patronage and the law of Simony, and Resignations, simple and by exchange, and publishing their reports, which first called general attention to the subject, and rendered inevitable, sooner or later, effectual measures of reform.

But from the Bishop of Peterborough, to whom the Church is deeply indebted for endeavouring with so much zeal and ability to abate a grievous scandal, the avowal has been wrung, that the chief, the only resistance to reform comes from members of the Church herself. Her enemies are those of her own household. In the House of Lords one of the principal defenders of the sale of next Presentations is that distinguished churchman, the Chancellor of the late Conservative Government, Lord Cairns. In the House of Commons, one of the most resolute opponents of Purchase in the Church is that sturdy Nonconformist, the Radical member for Huddersfield, Mr. E. A. Leatham. Nor do I regard it as either generous or just to ascribe the conduct of the latter to hatred of the Church, when it is equally possible to ascribe it to love of religion. But even if it could be proved that he and other advocates of Disestablishment desire by exposing her weaknesses, to add affliction to her bonds, we still have the authority of an apostle for rejoicing that in any way the truth is preached; yea, and we will rejoice.

The Report of Convocation appeared in 1869; another from a select Committee of the House of Lords on Church Patronage in 1874; a third from Royal Commissioners for inquiring into the same subject in 1879.

The first contains an admirable summary of the laws in regard to Resignations, Exchanges, Simony, Donatives and Private Patronage, with a statement of the evils arising from them, and recommends that there shall be,—(1) Confirmation of the Bishop's right to decline to accept a resignation: (2) permission to a Bishop to refuse institution to any clerk who is inexperienced, or incapable, or whose resignation has been refused by another Bishop: (3) greater facilities for effecting Exchanges with the consent of the Bishops concerned: (4) opportunity to the parishioners to object to the appointment of an incumbent on moral grounds, or for physical or mental incapacity: (5) conversion of donatives into presentative benefices: (6) removal of the disabilities of Roman Catholic patrons, &c., &c.

These six suggestions were adopted by the Lords' Committee, who advised, moreover, additional precautions in the appointment of Incumbents; greater publicity in whatsoever relates to the Sale and Exchange of Livings; and in lieu of the present form of declaration against Simony, a distinct enumeration of all transactions forbidden by the law in the transfer and procuring of

preferment, and a statutory declaration on the part of the clergyman seeking institution, and on the part of the patron presenting him, that none of the things so forbidden had been done.

The Royal Commissioners formulate the processes and promises required, if action is to be taken on the lines laid down by the Committee: and further recommend the immediate voidance of a living by an incumbent, who owes it to corrupt means on the part of others, though he may not himself have been cognisant of them; the vesting of the appointment of the curate in charge of a parish, to which the patron defers the presentation, in the Bishop of the diocese; and the prohibition of the sale of next presentations as well as of the re-sale of any advowson within five years after its purchase, as a safeguard against collusive sales.

We have to consider, whether a law embodying the above proposals would remedy the evils which were the occasion of their being made. That it would greatly modify them no one can dispute: would it remove them? Hoary hairs and physical infirmities would no longer be marketable commodities in the Church; and the melancholy of a poor fellow, who complained to a friend of mine, "that his chances of preferment were gone; when he was supposed to have a cancer, he was sounded with reference to four livings, but now that it was *known* that he only had a tumour, patrons took no notice of him," would be lost in a larger sorrow; whilst if the sale of benefices were effected by instruments registered in the diocesan registry, a future Lytton might soon write the tale of "The last of the clerical agents," a man perhaps of depraved character a criminous clerk with more than one alias, or even as it would appear, like a cat, with more than one life, whom the law now enables to determine with a view to his own profit, who shall have cure of souls as the ambassadors of Jesus Christ; advertisements of livings in healthy neighbourhoods, within easy reach of good society, with well-built and commodious parsonages, and with, it may be, infrequent duty and immediate possession, would no longer appear in the columns of *The Times* and *Daily Telegraph*, *The Church Times*, and *The Record*, and bound up with the programmes of a Church Congress, (as they actually were at Sheffield, in 1878) of which an Archbishop is the president; nor would the sale of spiritual charges take place in public houses by public auction, immediately before or after that of gin palaces and hotels. So far so good. But ought the sale of an advowson to be allowed at all? An old proverb tells us to wash our dirty linen at home. The advice is excellent, but we must beware of thinking that we follow it, when we only keep our dirty linen hidden from the public gaze.

But let me not be supposed to censure those who have obtained preferment by purchase in accordance with the law. It is with the law, for which we are all more or less responsible, not with them, that I find fault. Amongst them are men of sterling integrity and earnest piety. If there were not, if even many of them were incapable or bad, the condition of the Church in which more than half the incumbencies are saleable, and a large proportion constantly for sale, would be deplorable indeed. Some of them have erred if, (as matters stand, it be fair to charge them with error), in ignorance; and many churchmen who would be right glad to see the Sale of Livings suppressed, have bought them either for themselves or their friends, to prevent their falling into disreputable hands. This, no doubt, is one way in which the evils of the system have been lessened; but is the system right?

Now to this question I do not think that the answers of a number of clerical

dignitaries, the most sensitively conservative class in the whole community, and of private patrons, themselves largely interested in things as they are, and of lawyers, with their nervous dread of the slightest approach to any attack upon the supposed rights of property, need be regarded as conclusive. The changes which they have advised in the law are considerable; they could not be expected to advise more. That they have suggested so many, speaks well for their impartiality and badly for the law.

Two serious *objections raised to the prohibition of the sale of advowsons are that the varied system of patronage in the Church ensures her comprehensiveness, and that a large amount of property has been invested in private patronage. To the latter it is sufficient to reply that provision might be made that any private patron disposing of his livings in a way or ways sanctioned by the legislature, and applying within a specified period for compensation should receive it by an annual charge on the living for a given number of years after the next vacancy; and to the former, that the abolition of the sale of patronage does not necessarily involve the abolition of the private patron. For though no longer allowed to sell his benefices, he might still be allowed to present to them; only in the event of his losing his landed property in their neighbourhood, or becoming a pauper, bankrupt, or criminal, it ought, I think, to be arranged that the right of presenting to them should pass to a board such as that proposed at the close of the Commissioner's Report, or that the board should be empowered to appoint some other private patron in his room.

With reference to the plea urged in favour of purchase in the Church—a plea advanced in behalf even of the sale of next presentations,—“that it is often the means of introducing into the clerical body men well fitted for and likely to be devoted to the discharge of clerical duties, who would otherwise not obtain the opportunity of exercising spiritual functions,” it is obvious to reply, 1st that it is probably the means of keeping from that body many more quite as well qualified for the work of the ministry, but opposed on principle to the traffic in souls; 2ndly, that it diminishes the prospect of preferment to priests without wealth or wealthy relatives; 3rdly, that no opportunity of exercising spiritual functions would be lost to any one, though not a single living could be bought. To maintain the contrary is really to charge many excellent men with pure and bare-faced simony, with seeking the exercise of spiritual functions primarily if not solely for position or for gain. What is more, under all circumstances money and monied friends will be an advantage to a clergyman. For centuries to come there will be starvings in the Church which only rich men can afford to hold: and to the end of time patrons, whether private or public, may be trusted to be alive to the claims and merits of those who to good qualities, whether of heart or intellect, unite the popularity resulting from well-spent wealth. Let a father give his son, as his portion, the money with which he now buys for him an important trust, and he will greatly increase the probability of his obtaining preferment, if he be fitted for it; that he should be enabled to secure it to him, whether he be fitted for it or no, is too great a privilege to confer on wealth. For my own part, I rejoiced in the suppression of purchase in the army: all the benefits of the system were more than counter-balanced by the injustice accruing from it, and injustice is as offensive amongst the officers of the Church as of the State. No doubt it is earnestly to be desired that persons of private means should devote their money as well as their

lives to their Master's service; but I may be pardoned for thinking that the office of a Priest of God ought to be sufficient attraction in itself to men desirous of doing the noblest work in the noblest way, no matter what their fortune or what their rank.

But the present system is supposed to strengthen the Established Church by associating her with the governing classes in this country. I answer, 1st, that even the retention of her temporalities may be too dearly purchased; there are occasions when she should be prepared to say to a tempting world, "Thy money perish with thee," and 2ndly, that no more certain way of ensuring their loss could possibly be devised, than that of allying her with property for the perpetuation of a wrong. The power of the future is not, I suspect, with the aristocracy, whether of riches or of birth. The Church must be in sympathy with the poor in all their righteous aspirations, if she is to stand and extend her influence. Politically speaking, it is her weakness, not her strength that she is so generally on the side of affluence and rank.

But all this is beside the great important question, is it right that any man should be permitted to make money by disposing of a spiritual charge, or give money to acquire it? What would be said if the Government proposed to sell a certain number of the judgeships in this country, under any restrictions that can be imagined, to barristers of good standing, and to devote the money to the reduction of the National Debt? The position of an incumbent is not inferior in dignity, and ought to be vastly superior in usefulness, to that of any judge upon the bench, and yet it is calmly suggested that the law should continue to allow it to be sold and the money pocketed by private individuals. Sir Pit Crawley could add £1500 to his income by selling the representation of Mudborough with a *carte blanche* on the slave trade. The Sir Pitts of the present day have been deprived of the privilege without receiving any compensation, but they are still, it seems, to be permitted to sell the charge of Mud-church with a *carte presque blanche* on religious views and ministerial work.

And why should the sale of next presentations be prohibited and that of perpetual presentations be allowed? Stop the former and you would at once stimulate and increase the latter; and the scandal of the highest spiritual interests being a subject of barter would remain. Besides, in one way the sale of advowsons is even more objectionable than that of next presentations; the man who buys the latter cannot present himself; the man who buys the former can; and however apt we may be to form too flattering an estimate of the powers and virtues of our friends, most of us, I am afraid, are still more apt to form too flattering an estimate of our own.

It must moreover be remembered that so long as the sale of advowsons continues, patronage can hardly fail to be regarded rather in the light of a property than of a trust, and there will be an insuperable obstacle to one urgently needed reform, the adaptation of the incomes of the clergy to the work which they have to do.

The examination of witnesses before both the Lords' Committee and the Royal Commissioners left little to be desired; but it revealed as might have been expected one of the ordinary weaknesses of English Legislators, their fond belief in the omnipotence of acts of Parliament. Resignation Bonds, were illegal as well as Simoniacal some 50 years ago; they are legal now; and it was more than once intimated by the examiners that they are therefor

Simoniacal no more. But with the most profound respect for Parliament, I am not to be persuaded that the State can change by its decrees the moral nature of our acts. Murder would be murder still, though the legislature permitted the taking away of human life, and Simony is Simony, all the laws in England on the subject notwithstanding. To arrange for the avoidance of a living when a little boy in the nursery or at school shall be old enough to take it, is to treat a spiritual charge as a piece of property, and is assuredly whatsoever may be said to the contrary, of the nature of Simony. No better definition can be given of that sin than Lancelot's, "*Simonia est studiosa voluntas sive cupiditas emendi vel vendendi spiritualia, vel spiritualibus innixa.*"

But the present system, it is contended, works well, and we are asked what system would work better. It would be, we are assured, highly undesirable to increase episcopal patronage, and the patronage boards of the Irish church do not give universal satisfaction: No system will. On the whole, I believe that the Bishops have been wise and conscientious in the exercise of patronage, and as for the Irish boards, it is, I submit, early days to pass a sweeping condemnation upon them. Composed of men new to their work, they have to deal with priests trained in the system which obtains in England. The old canonist tell us that there are three kinds of Simony, *manus (linguæ) et obsequii*; priests familiar with the first and worst are not likely to be averse from the other two. Soon, I believe, that there, as I hope that here, every clergyman will be able to say with the Apostle to his disciples, "neither at any time used we flattering words, as ye know, nor a cloke of covetousness, God is witness." But if not, it will be because abuses cling to every scheme with which imperfect men have to do; the objection to the buying and selling of livings is not merely that it leads to abuses, but that it is an abuse itself, wrong *ab initio*, indefensibly wrong.

And if this be so, we dare not tolerate, we cannot spare it simply because it would seem in numberless instances to have worked well. Detestable to every man with a living faith in the God of righteousness must be the morality of Mandeville's Fable of the Bees, where private vices are represented as public benefits, or of Goldsmith's essay entitled, "Asim," where the inconveniences of residing in a world of too great virtue are graphically described. We men, with all the accumulated experience of at least six thousand years, are bad judges of the consequences of our actions. The ramifications of the evil in which we acquiesce are infinite and beyond our ken. So far, however, as we can see in the matter before us purchase in the Church alienates thousands upon thousands of God-fearing men from her communion and greatly impairs the influence of her clergy. Is it not very probably one of the chief causes of the general scepticism as to their disinterestedness, of disbelief in their mission, and of disregard of their most earnest appeals to their brother-men to forsake Mammon and serve God? Commercial dishonesty was never more general or shameless than now in England; infidelity in forms more subtle and insidious than any that have hitherto assailed the truth is rife and openly avowed; political corruption, as the recent elections have proved, is widespread and is not regarded with the scorn and indignation which it ought to provoke; even the ermine of our judges has been shewn by recent ecclesiastical judgements not to be without spot; it is for the clergy to correct these evils; but if they are to deal with them successfully, they must not merely have clean hands, but hands acknowledged on

all sides to be clean. No breath of suspicion should rest on the accredited soldiers of the Cross of Christ. Knights doing battle against all the wickedness of the world, they ought to be *sans peur et sans reproche*.

And if "this trafficking in Christ," as Alexander of Alexandria termed it in the 3rd century, is to be checked, it should be done at once. For it has grown and is growing. It was encouraged by the substitution in 1864 of a declaration for the old oath against Simony, and would probably be still more so by the substitution of the proposed limited declaration against certain defined illegal acts for the present one. It received a great impetus in 1836 by an act for the sale of more than one hundred livings in the gift of Town Councils, and recently by that for the sale of more than three hundred in the gift of the Lord Chancellor, whilst the altered relations between the Church and the Universities are disposing the Colleges both at Oxford and Cambridge to part with their ecclesiastical patronage in order to increase their Educational Endowments, and the appointment to one benefice at least in the gift of the parishioners has not, as the Commissioners suggested, been placed in the hands of an elected board, but is being sold for public and secular purposes,—a precedent upon which some future Chancellor of the Exchequer may find it convenient to improve.

But if the evil is spreading, the time would seem to be especially favourable for removing it. A government without any very strong prejudice against change or superstitious veneration for vested interests is in power, and might probably in consequence of the grievance which it has just inflicted upon the clergy, be the more ready to listen to their representations and redress an odious wrong; whilst the possibility of redressing it has been proved by the abrogation of the sale of patronage in the disestablished Church of Ireland, and the established Kirk of Scotland.

** It must not be thought that I am here finding fault either with the Commissioners or the Lords' Committee.*



